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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,748	12/08/1998	QI BI	16-5-23	7216
30594	7590	06/29/2004	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			TRAN, PHUC H	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	

2666

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DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/207,748

Applicant(s)

BI ET AL.

Examiner

PHUC H TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-11, 14, 15, 17-19, 21, 22, & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel (U.S. Patent No. 6223056 B1) in view of Kim et al. (U.S. Patent No. 6614771 B1).

- With respect to claims 1 & 3, 9-11, 14-15, 18-19, 21-22, Appel teaches a method for using a common channel shared by mobile stations to transmit power control signals to the mobile stations, which is interpreted as the method for communicating power control information for communication channels, which comprises steps of:

transmitting power control information for a forward voice/data channel to be transmitted from a base station to a mobile station (col. 6, lines 32-37), wherein the first and second segments are one of a plurality of repeating segments (e.g. the time slot in the communications shows that the repeating segments in the communication network).

Appel fails to teach power control information in a portion of a first and second segments of a reverse pilot channel transmitted from the mobile station to the base station. Kim teaches the plurality of terminals have a random access to the reverse common channel system in CDMA (see abstract). Therefore, it would have been obvious to person of ordinary skill in the art at the time of the invention was made to implement the method of inputting a power control information into the reverse common channel

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system of Kim into Appel to transmit the power control information to the base station to adjust the power on the forward channels for better quality service in the wireless network.

- With respect to claim 2, Appel also teaches the step of alternating between the transmission of power control information for the first channel and the transmission of power control information for the second channel (e.g. the communications between base station and mobile stations with many channels).

- With respect to claims 4, 17, and 24, Appel fails to explicitly teach power control information for the first channel is transmitted more than once for each transmission of power control information for the second channel. It inherently knows that the times transmit the power control information for communication channels such as the design choice to communicate between the subscribers and base station are based on the priority of the subscribers and information.

4. Claims 12-13, 16, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel (U.S. Patent No. 6223056 B1) in view of Ghosh (U.S. Patent No. 5991285).

- With respect to claims 12-13, 16, 20, & 23, Appel discloses all the aspects of the claimed invention as set forth above but fails to teach the channels are voice, data, and video channels. Ghosh teaches a system having plurality channels for voice, data and video transmission, each channel being designated with different power transmission levels (see bridge paragraph in col. 2-3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the

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controlling power for each channel types in wireless communication system to provide each channel with an appropriate amount of power needed for transmission, thereby saving power and reducing signal interference.

*Response to Arguments*

3. Applicant's arguments filed 4/8/2004 have been fully considered but they are not persuasive.

- In response to Applicant's argument that "Appel does not distinguish between a voice channel and a data channel" (page 2). Examiner respectfully disagrees. In the claim invention, the Applicant does not teach the different between the voice channel and data channel. Appel teaches transmitting power control information a forward voice/data channel to be transmitted to a base station from a mobile station and a method to detect and extract from the reverse channel signals one or more power control signals sent back from the plurality mobile units to the base transceiver station 101 in order to control the output power level of the variable power transmitter amplifier. (col. 6, lines 18-37). The mobile units transmits/receives voice and/or data signals to/from the base station, therefore the power control signals from mobile could be for voice/data channel. It would have been obvious to a person of ordinary skill in the art at the time of the invention to know the power control signals of plurality mobile unit in Apple could be for voice and/or data channel.
- In response to Applicant's argument that "Kim does not disclose or suggest transmitting power control information for a forward voice/data channel"

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(page 3). Examiner respectfully disagrees. Examiner implement the method of inputting a power control information into the reverse common channel system of Kim into Appel to transmit the power control information to the base station to adjust the power on the forward channels for better quality service in the wireless network.

*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran  
Assistant Examiner  
Art Unit 2664  
P.t  
June 25, 2004

  
PHUC TRAN  
ASSISTANT EXAMINER